

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

|                         |   |                            |
|-------------------------|---|----------------------------|
| MISSOURI BROADCASTERS   | ) |                            |
| ASSOCIATION, et al,     | ) |                            |
|                         | ) |                            |
| Plaintiffs,             | ) |                            |
|                         | ) |                            |
| vs.                     | ) | Case No. 2:13-cv-04034-MDH |
|                         | ) |                            |
| DOROTHY TAYLOR, et al., | ) |                            |
|                         | ) |                            |
| Defendants.             | ) |                            |

**PLAINTIFFS' PETITION FOR ATTORNEY'S FEES AND COSTS**

Plaintiffs, pursuant to the Civil Rights Attorney's Fees Award Act of 1976, 42 U.S.C. §1988, and 28 U.S.C. §2202, move the Court to award Missouri Broadcasters Association ("MBA") its attorney's fees and costs incurred in this matter. In support thereof, Plaintiffs state:

1. The Court issued its June 28, 2018 Order, finding subsections (5)(G) and (5)(I) of 11 C.S.R. 70-2.240, and RSMo. § 311.070.1, were unconstitutional under the First and Fourteenth Amendments to the U.S. Constitution. *See* Dkt. No. 136, p. 18. The Court subsequently entered Judgment on its Order. Dkt. No. 137.

2. The Court determined that Plaintiffs should also recover their attorney's fees and costs, and directed Plaintiffs to file the present petition. *Id.* at 18-19.

3. MBA paid all of the attorneys' fees and costs for all Plaintiffs, by agreement, and hence only MBA seeks an award. MBA's attorney's fees and non-taxable costs are summarized below and set forth in detail in MBA's accompanying Suggestions:

|                       |                     |
|-----------------------|---------------------|
| a. Attorney's fees:   | \$478,568.80        |
| b. Non-taxable Costs: | \$ 6,171.55         |
| <b>c. Total</b>       | <b>\$484,740.35</b> |

4. As set forth in MBA's Suggestions, the attorney's fees and costs reflect normal billing rates for MBA's counsel, were reasonable and necessary to prosecute this matter through its many twists and turns among three district judges and one appeal, and were billed to and paid by MBA.

5. In addition, MBA seeks enhancement of the fee award for the substantial discounts provided by its counsel, Thompson Coburn LLP, reimbursement of certain costs MBA paid directly, and interest on the award until paid pursuant to 28 U.S.C. § 1961.

6. This Petition is supported by the declarations of Mark Sableman, Mark Gordon, and Michael Nepple, and other supporting material attached thereto. These declarations and exhibits are submitted with the Suggestions supporting the Petition.

7. MBA will timely supplement its Petition to submit the attorney's fees it will incur for the preparation of this petition and supporting suggestions.

**WHEREFORE**, Plaintiffs request that the Court enter an order pursuant to the Civil Rights Attorney's Fees Award Act of 1976, 42 U.S. C. §1988, and 28 U.S.C. §2202, awarding MBA reasonable attorney's fees of \$478,568.80, non-taxable costs of \$6,171.55, and the additional amounts described above and in the accompanying Suggestions.

Dated: July 27, 2018

Respectfully submitted,

/s/ Mark Sableman  
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*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 27, 2018 a true and correct copy of the foregoing document was served by the Court's electronic filing system on the following as indicated below:

Ms. Emily Dodge  
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/s/ Mark Sableman